

REMARKS

Reconsideration of this application is requested. Claims 28-48 are active in the application subsequent to entry of this amendment.

Responsive to the requirement for restriction, counsel affirms the election of the claims in Group I and has adjusted the claims of the present application to agree with the elected subject matter. This response to items 1-4 of the Official Action as well as the Examiner's comments in item 12.

A certified copy of the underlying priority document has been requested and should be filed shortly. Counsel appreciates the reminder given in item 5 of the Official Action.

The claims have been amended in order to respond to the issues raised in items 6-10 of the Official Action. More specifically, the claims are now directed to the elected subject matter with adjustments being made to refer to a compound in the singular in new independent Claim 28 and to adjust the other aspects of the claim to agree with the elected subject matter. Previous Claim 7 has now been written in independent form while previous process Claims 8-11, now written as new Claims 35-38, adopt a more conventional process format. New Claims 39-41 are directed to pharmaceutical compositions and are based upon previous Claims 13, 14, 18 and 21. Various "use of" claims have been replaced with method of treatment claims and now appear as new Claims 43-48.

Claim 43 finds basis in original Claim 15. Claim 44 finds basis in original Claim 16, Claim 45 finds basis in original Claims 20 and 27, Claim 46 relates to subject matter of original Claim 25, Claim 47 relates to the subject matter of original Claim 27. Claim 48 is based upon the therapeutic procedures described in original Claims 24 and 27.

It is submitted that the new claims presented above are compliant with 35 U.S.C. 112, first paragraph, and also define the invention in terms of methods of treatment consistent with 35 U.S.C. 101. Favorable consideration of these claims is requested.

Previous Claims 1, 2, 5-9 and 11-27 were rejected as allegedly being anticipated by the Shinagawa journal identified by Applicants in their Information Disclosure Statement.

The disclosure of Shinagawa et al. is disclaimed from the claims. In fact, the first proviso in claim 28 provides for the compound of formula (I), where Y^- is $-COO-$ and Z is $-NHCOR_4$ only one compound, i.e., the one wherein R_4 is C_{20} alkyl, which is not disclosed in the cited reference. Accordingly, compounds #1-4 and 15-16 of Table II in Shinagawa are not included in claim 28.

A fourth disclaimer is added in order to exclude compounds #13-14 of Shinagawa et al.

A fifth disclaimer is added in order to exclude compound #18 of Shinagawa et al.

For these reasons it is submitted that the claims now under review in this application are not anticipated by the disclosures of the documents cited.

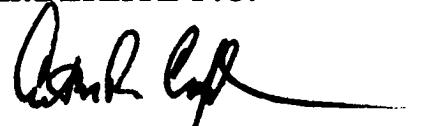
Applicants note with appreciation the allowability of Claims 3, 4 and 10.

However, it is submitted that all of the claims in this application are now in condition for allowance. If for any reason the Examiner prefers a different form of expression or there are issues remaining that prevent the allowance of this application, please contact the undersigned by telephone.

Reconsideration and favorable action are solicited.

Respectfully submitted,

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